

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL No. 437



Introduced by
ACT Teachers Party-List Rep. ANTONIO L. TINIO
and **KABATAAN Party-List Rep. RENEE LOUISE M. CO**

AN ACT
INSTITUTIONALIZING SUPPORT MECHANISMS AND PROTECTION
FOR PUBLIC SCHOOL TEACHERS AND PERSONNEL IN MATTERS OF
STUDENT DISCIPLINE FOR CLASSROOM MANAGEMENT

EXPLANATORY NOTE

Public school personnel, most especially teachers, are at the very forefront of the delivery of education services to millions of students, day in and day out. With large class sizes, multiple shifts each day, and the heavier tasks they have to assume under K to 12, any of them can attest that instilling discipline in their classrooms has become increasingly difficult.

This heavy burden of teachers is aggravated by the lack of institutional support in the form of standards and the permissible and effective methods of instilling discipline, guidance counselors to act as support personnel, and legal assistance and representation.

While child protection is indispensable, teacher protection is also a must. To this end, this bill seeks to amend Republic Act 7610, commonly known as the *Child Abuse Law*, insofar as any act committed by a teacher or school staff pursuant to the disciplinary rules and procedure issued by the DepEd shall not be deemed as "child abuse."

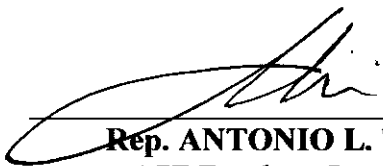
This bill also seeks to lay down institutionalized support mechanisms for teachers and school personnel in matters of classroom management and discipline. The first is a mandate on DepEd to issue and implement guidelines on the Implementation of Teacher Protection. DepEd is also proposed to provide pre-service

and in-service training for DepEd personnel on child behavior and psychology, classroom management techniques, positive discipline, and other related fields.

Also proposed are measures to protect teachers and school personnel in cases related to student discipline and classroom management, including legal assistance and representation by counsel and union or association representatives. Furthermore, confidentiality of proceedings and the identity of all parties are directed.

First filed during the 16th Congress (6 May 2015), this bill was approved on third reading by the House of Representatives in the 17th Congress. In the years since, this bill has found broad support from public school teachers, other school personnel, regional teachers' unions, child's rights advocates, and others.

Therefore, approval of this bill is earnestly sought.



Rep. ANTONIO L. TINIO
ACT Teachers Party-List



Rep. RENEE LOUISE M. CO
KABATAAN Party-List

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Be it enacted in the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Short Title.* This Act shall be known as “*The Teacher Protection Act.*”

SEC. 2. *Declaration of State Policies.* In all actions relating to children, the State shall accord special protection to children from all forms of abuse, exploitation, cruelty, and other conditions prejudicial to their development. Furthermore, the State has the duty to establish and maintain a complete and adequate system of public basic education geared towards the holistic development of a child.

These policies are henceforth understood to encompass the State’s responsibility to provide appropriate instruction to students about school discipline, their duties and responsibilities with respect to their peers, to their teachers and other persons of authority, and to members of their community.

To this end, the State shall institutionalize measures to implement in all public schools clearly defined regulations on appropriate student behavior towards other students, teachers, and school staff, during classes, and within and outside school premises.

The State is also hereby bound to establish and maintain support systems, including training on classroom management and child discipline and legal assistance

for teachers and school staff, who daily stand in direct contact with students and are thus find themselves in situations that could expose them to allegations of child abuse in the course of the discharge of their duties.

It is hereby also declared that the State shall promote and improve the working conditions of public school teachers and other school personnel, which are understood to determine whether or not the physical and emotional environments of children and teachers are conducive to learning and teaching.

SEC. 3. *Guidelines on the Implementation of Teacher Protection.* The Department of Education (DepEd) is hereby tasked to issue the Guidelines on the Implementation of Teacher Protection, hereinafter referred to as “Guidelines” within one hundred and twenty (120) days from the effectivity of this Act.

For purposes of this Act, the Guidelines shall, among others, detail the following:

(a) The rights and responsibilities of teachers with respect to student discipline and classroom management, to the end of fostering a positive school climate and safe environment conducive to instruction and learning.

School administrators and teachers exercise special parental authority over their students while under their supervision, instruction and custody. As such, the Guidelines to be produced by DepEd shall recognize their authority in the schools and in school-sanctioned events, and the need to conduct their classes in an organized manner that is conducive to learning. Thus, teachers have the authority to ensure that their students behave, respond and treat their teachers and classmates in a respectful manner. They shall call out disorderly or disrespectful behavior and deal with the same consistent with the law and the Guidelines to be issued by the DepEd;

(b) Permissible, appropriate, and effective responses and interventions that will address violation of school rules and regulations to be administered by teachers, the school head, and other school staff; and

(c) A clear description of the disciplinary procedure and clear designation of the authorities competent to investigate, propose, and apply the responses and interventions.

SEC. 4. *Acts Pursuant to the Guidelines Not Deemed as Child Abuse.* Any act committed by a teacher or school staff pursuant to the disciplinary rules and procedures issued by the DepEd shall not be deemed as child abuse, cruelty, or exploitation as defined in Republic Act No. 7610 or the “*Special Protection of Children Against Abuse, Exploitation and Discrimination Act.*”

SEC. 5. *Consultation of Involved Sectors in the Drafting of Guidelines.* Students, parents, teachers, other school personnel, and the community, represented by their

respective organizations, as well as professionals in child behavior and social work, shall each have meaningful involvement in the formulation of the Guidelines.

SEC. 6. *Information dissemination of the Guidelines.* The DepEd shall provide explanations, training, and workshops in order to familiarize students and families with the guidelines, explain the expectations of various sectors involved, and describe the various preventive and positive responses and interventions that may be used.

At the beginning of each school year, copies of the Guidelines shall be provided to each student as well as their parents or legal guardians.

SEC. 7. *Training of teachers and school personnel on the Guidelines.* All employees of the Division shall also annually receive instruction related to the specific contents of the Guidelines.

SEC. 8. *Professional development relating to student discipline and classroom management.* The Department shall provide teachers the appropriate pre-service and in-service training on child behavior and psychology, classroom management techniques, positive discipline, and other related fields, as well as the Guidelines under Section 3 of this Act and the scope of their duties and responsibilities with respect to student discipline and classroom management.

SEC. 9. *Support personnel.* The DepEd, with the Department of Budget and Management, shall also ensure that there is a sufficient number of items for guidance counselors, who will serve as support personnel to teachers and school administrators in matters of student discipline.

For purposes of this Act, the Department shall endeavor to meet the recommended ratios of one guidance counselor for every two hundred (200) students in public elementary and high schools.

SEC. 10. *Other support mechanisms for student discipline and classroom management.* The DepEd shall provide such other mechanisms necessary to capacitate its teachers and other personnel on matters regarding child behavior and psychology, classroom management techniques, positive discipline, and other related fields. These measures shall include the conduct of periodic seminars and formulation of primers and other explanatory materials.

SEC. 11. *Protection to teachers and school personnel in charges related to student discipline and classroom management.* In all cases related to student discipline and classroom management, including criminal and administrative charges of child abuse, the DepEd shall extend to its teachers and other personnel the necessary protection, including legal assistance and representation.

The DepEd shall ensure that respondents, in all stages of the disciplinary proceedings, are amply represented by the accredited union, or registered union,

where there is no existing accredited union, of teachers or non-teaching employees, as the case may be.

A violation of this Section is a violation of due process and shall render the proceedings void and all responsible persons administratively, civilly, and criminally liable.

SEC. 12. *Confidentiality of identity of parties and proceedings under this Act.* No person, whether public or private and whether a party to the case or otherwise, shall publicize a case during its pendency. In no case shall the identity of complainants and respondents, or any information that may reasonably identify them, be disclosed to the public during the pendency of the proceedings.

Violation of this Section shall subject the person to the appropriate administrative, civil, criminal, and other liabilities.

The DepEd shall issue its guidelines for the media with regard to the handling of cases within the contemplation of this Act.

SEC. 13. *Rules and Regulations.* Within ninety (90) days after the effectivity of this Act, the DepEd shall promulgate the rules and regulations necessary to implement the provisions of this Act.

The effectivity of this Act, as well as the rights accorded herein to all persons, shall in no way be defeated or diminished prior to the promulgation of the said rules and regulations and the Guidelines.

SEC. 14. *Separability Clause.* Should any provision herein be declared unconstitutional, the same shall not affect the validity of the other provisions of this Act.

SEC. 15. *Repealing Clause.* Republic Act 7610 is hereby modified accordingly. All laws, decrees, orders, rules and regulations, or other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 16. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,